

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#13

B.D.
5/2/04

Re the Application of:

EDWARDS et al.

Serial No.: 09/247,893

Filed: February 10, 1999

Atty. File No.: 4366-33

For: "DYNAMICALLY ALLOCATING
SERVER RESOURCES TO
COMPETING CLASSES OF WORK
BASED UPON ACHIEVEMENT OF
SERVICE GOALS"

) Group Art Unit: 2642

) Examiner: WILLIAM J. DEANE, JR.

) RESPONSE TO
) RESTRICTION REQUIREMENT

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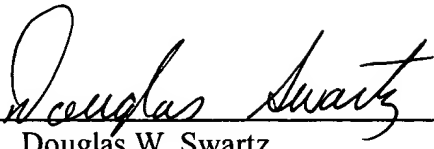
Dear Sir:

In an Office Action dated March 23, 2004, the Examiner issued a Restriction Requirement with regard to the above-identified patent application. Generally, the Examiner indicated that Claims 1-23 and 45-96 (Group I) and 22-44 (Group II) were distinct inventions. Notwithstanding the traversal below, Applicants hereby conditionally elect to prosecute Claims 22-44 (Group II) in this patent application. However, Applicants respectfully reserve the right to pursue Claims 45-96 (Group I) in a subsequent divisional/continuation application.

The restriction requirement appears to be the result of misleading terminology in the claims. Claims 1-21 and 45-96 refer to "servers" while Claims 22-44 refer to "agents". Filed concurrently herewith is a Preliminary Amendment converting the phrase "servers" to "agents". As a result of these amendments, Applicant respectfully submit that the Restriction Requirement is improper.

Respectfully submitted,

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Date: April 22, 2004